REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended such that the terminology used therein is consistent in all of the claims.

The Examiner has now rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,857,021 to Kataoka et al.

The Kataoka et al. patent discloses a security system for protecting information stored in portable storage media in which a medium ID, a corporate ID and a terminal ID are used to protect the use of content material. In a particular embodiment described at col. 6, line 51 to col. 7, line 25, a first private key generating means 105 generates a private key, based on a medium ID 121 extracted from the storage medium and a unit ID 104 (e.g., a unique identifier of the computer system or of a portable drive unit. A first encrypting means 107 encrypts a data encryption key 106 with the private key, and the encrypted data encryption key is written into the storage medium. A second encrypting means 108 encrypts the data to be stored with the data encryption key, and the encrypted data is written into the storage medium.

In the subject invention, as claimed in, for example, claims 1, content material is encrypted using an encryption code. The encrypted content material is then written into a recording

medium in a first writing operation. The recording medium includes a recording indicator which, in response to the first writing operation, generates and stores a unique identifier. This unique identifier is used to form a secure item which is then written into the recording medium in a second writing operation.

In regards to claims 1-3, the Examiner states "Kataoka discloses a medium ID, corporate ID, and terminal ID, all of which are used to protect the use of the encrypted content material. The secure item claimed in this claim is an encryption/decryption key that is based on the unique identifier. In the case of Kataoka, the unique identifier is the medium ID (e.g., fig. 4)."

Applicant respectfully submits that the Examiner is mistaken. In particular, claim 1 recites the recording medium having "a first memory for storing encrypted content material via a first write operation", "a recording indicator for generating and storing a unique identifier at each occurrence of the first write operation", and "a second memory for storing, via a second write operation, a secure item based on the unique identifier when the encrypted content material is stored".

Applicant would like to remind the Examiner that it is a well-known principle that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant submits that Kataoka et al. neither shows nor suggests the recording indicator as claimed. In the current Office Action, the Examiner equates the medium ID with the unique identifier of the subject invention. However, as described in Kataoka et al., the medium ID is permanently "burned" into the storage medium, e.g., with a laser beam (see col. 3, lines 41-47, col. 4, lines 29-30, col. 6, line 64 to col. 7, line 1). As such, while the medium ID is unique to each storage medium, the medium ID is not unique with regard to each first write operation. Further, claim 1 states that the storage medium comprises the recording indicator which generates the unique identifier. Applicant submits that in Kataoka et al., this means for generating the medium ID is external to the storage medium. Further, as described in the Substitute Specification on page 8, paragraph [0014], the recording indicator contained in the recording medium, generates and stores in the recording medium, a unique identifier at each occurrence of the first write operation. As such, a different unique identifier is generated and stored by the recording indicator each time that a first write operation occurs.

With regard to claims 4-7, the Examiner states "Kataoka discloses a first decrypting means and second decrypting means which provide the content material only when the current value of

the recording indicator corresponds to its original value (e.g. Col. 2 ln 13-34)."

Again, Applicant submits that the Examiner is mistaken. In particular the portion of Kataoka et al. cited by the Examiner states:

> "The security control unit comprises four elements. First private key generating means generates a private key based on the medium identifier extracted from the storage medium and the unit identifier, when the security control unit attempts to write data into the storage medium. First encrypting means produces permission data by encrypting a data encryption key with the private key generated by the first private key generating means, and it writes the permission data into the storage medium. Second encrypting means encrypts the data with the data encryption key, and writes the encrypted data into the storage medium. When the security control unit attempts to retrieve the encrypted data written in the storage medium, second private key generating means regenerates the private key based on the medium identifier extracted from the storage medium and the unit identifier. First decrypting means produces a data decryption key by decrypting the permission data extracted from the storage medium, with the private key regenerated by the second private key generating means. Second decrypting means decrypts the encrypted data extracted from the storage medium, with the data decryption key produced by the first decrypting means."

Claim 4 recites, in part "the recording medium also including a recording indicator for generating and storing an original unique identifier and a current unique identifier depending upon first write operations of said encrypted content material being written into the recording medium". With regard to claim 4, since the current unique identifier changes with each

first write operation, the recording medium further stores the original unique identifier, and a rendering device only "allows" the one or more decrypters to provide the content material when the original unique identifier of the recording indicator corresponds to the current unique identifier of the recording indicator. Applicant submits that the above passage of Kataoka et al. neither shows nor suggests this comparison. In fact, since the medium ID on the storage medium of Kataoka et al. never changes, there is no need in Kataoka et al., and as such, no disclosure or suggestion of the generation and storage of the original unique identifier of the recording indicator, the generation and storage of the current unique identifier of the recording indicator, and the comparison of the stored current unique identifier and the original unique identifier.

With regard to claims 8-17, the Examiner states "Kataoka discloses recording encrypted content material on a medium dependent on the content material and a content key (e.g. col 7 ln 23-26) and further discloses recording a secure item (encrypted encryption key) which is encrypted using a private key that is generated using based on a recording indicator that is associated with the recording medium (medium ID and Unit ID)(e.g. col 7 ln 9-12)."

While Kataoka et al. discloses recording a secure item which is encrypted using a private key that is generated based on

the medium Id that is associated with the recording medium, Applicant submits that this is not what is claimed in, for example, claim 8. In particular, claim 8 states "a third input for receiving a unique identifier from the recording medium in response to the first writing operation, said recording medium having a recording indicator for generating and storing a unique identifier at each occurrence of a first writing operation". As such, the unique identifier is not merely associated with the recording medium, but is generated each time by the recording indicator of the recording medium at each occurrence of a first writing operation. It should be appreciated that the same "unique identifier" is not generated by the recording indicator of the recording medium at each occurrence of a first writing operation. Rather, a unique identifier is generated by the recording indicator of the recording medium at each occurrence of a first writing operation. The use of the term "a" in the claim is significant in that it indicates that a <u>different</u> unique identifier is generated each time.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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